

REMARKS/ARGUMENTS

Claims 1-20 remain in the application, all of which stand rejected.

1. Request for Information

The Examiner requests information on any reference(s) known to qualify as prior art under 35 USC 102 or 103 (including any products for sale). The Examiner indicates that, in responding to this request, it is not required that applicant perform a search. Rather,

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request.

4/11/2005 Office Action, p. 2, sec. 2.

The undersigned, as the attorney who prepared and filed this case, has discussed the Examiner's request for information with the inventors, as well as the in-house attorney of the assignee who is responsible for overseeing this case. Neither the undersigned, nor any of the other parties mentioned in the preceding sentence, are aware of any additional reference(s) or acts (public uses or offers for sale) known to qualify as prior art.

2. Request for Indications of Support for Claims

The Examiner requests that support be shown for any new or amended language in Applicants' claims. In response, Applicants have attached a Claims Appendix which provides a listing of Applicants' claims, as well as parenthetical indications of where support for the claims is found in Applicants' specification and

drawings. Note that, in addition to the support locations noted, some claim elements may be mentioned in other (and numerous) locations within the specification and drawings.

3. Objection to Specification

Applicants' specification stands objected to in that the Examiner would like Applicants to update the status of various patent applications referenced in their specification.

Applicants have updated the status of one patent application, referenced in paragraph [0001] of their specification. The update does not add new matter.

Although the Examiner requests that Applicants update or provide the status of U.S. patent application 09/827,766 in their "Cross-Reference to Related Applications", Applicants do not believe they are required to do so. Although the disclosure of the '766 application is substantially the same as the disclosure of the '929 application (i.e., the application for which the Examiner's 4/11/2005 Office Action was issued), the '766 application is not a parent of the '929 application, and Applicants do not believe they are required to specifically reference it in their "Cross-Reference to Related Applications".

Of note, the '766 application discloses substantially the same subject matter as the '929 application. The '766 application also issued as a patent *before* the filing date of the '929 application. However, the inventive entity of the '929 application (i.e., inventors Rentschler, Hargis and Letey) is the same as the inventive entity of the '766 application, and the priority date of the '929 application is the same as the priority date of the '766 application. Furthermore, all of the inventors were working for the same employer during the filing of the '766 application, the '929 application, and application 09/828,604 (the parent of the '929 application); and all of these applications were assigned to the inventors' common employer. Thus, the '766 application (and the patent issuing therefrom) do not qualify as prior art in relation to the '929 application.

4. Double-Patenting Rejection

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double-patenting, as being unpatentable over claims 1-33 of U.S. Patent 6,625,702. To overcome this rejection, Applicants have filed herewith a Terminal Disclaimer.

5. Conclusion

In light of the above Remarks, Applicants request the issuance of a Notice of Allowance.

Respectfully submitted,
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